

Decision _____

Order Instituting Rulemaking into Transfer of Master-Meter/Submeter Systems at Mobilehome Parks and Manufactured Housing Communities to Electric and Gas Corporations.

Rulemaking 11-02-018
Filed on February 24, 2011

**DECISION GRANTING THE INTERVENOR COMPENSATION
CLAIM OF THE UTILITY REFORM NETWORK FOR
CONTRIBUTION TO DECISION 14-03-021.**

Claimant: The Utility Reform Network	For contribution to Decision (D.) 14-03-021
Claimed: \$ 143,273.38	Awarded: \$143,145.05 (approximately .089% reduction)
Assigned Commissioner: Michel Florio	Assigned ALJ: Jean Vieth

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision:	<p>In Decision (D.) 14-03-021, the Commission adopted a “living pilot” that seeks to encourage mobilehome parks and manufactured housing communities (referred to collectively as MHPs in this request) to transfer their electric and natural gas service from a master-meter set-up to direct service of the park residents by the major investor-owned energy utilities. Culminating a three-year-plus effort that began with a 2010 petition seeking establishment of a rulemaking, D.14-03-021 combined elements of two competing proposals to develop the adopted “living pilot” that will provide the Commission with further information needed to fine-tune the conversion program, assess whether it should continue at the end of the three-year pilot period, or end the program.</p>
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B. Claimant must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

	Intervenor	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference (PHC):	10/27/10 (Petition (P.) 10-08-016)	Correct. (<i>See</i> Comments, below.)
2. Other Specified Date for NOI:	<i>See</i> note below.	
3. Date NOI Filed:	11/5/10	Correct.
4. Was the NOI timely filed?		Yes the NOI was timely filed within 30 days of the prehearing conference. <i>See also</i> Administrative Law Judge (ALJs) Ruling in P.10-08-016 (11/22/2010).
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	P.10-08-016	Correct.
6. Date of ALJ ruling:	11/22/10	Correct.
7. Based on another CPUC determination (specify):		
8. Has the Claimant demonstrated customer or customer-related status?		Yes.
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	P.10-08-016	Correct.
10. Date of ALJ ruling:	11/22/10	Correct.
11. Based on another CPUC determination (specify):		
12. Has the Claimant demonstrated significant financial hardship?		Yes.

Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.14-03-021	Correct.
14. Date of Issuance of Final Order or Decision:	3/14/14	Correct.
15. File date of compensation request:	5/13/14	Correct.
16. Was the request for compensation timely?	Yes, TURN timely filed the request for compensation.	

C. Additional Comments on Part I (use line reference # as appropriate):

#	Claimant	CPUC	Comment
2, 5 and 9	X		TURN submitted its Notice of Intent in P.10-08-016, the petition-initiated proceeding that led to issuance of Rulemaking (R.) 11-02-018. On November 22, 2010, ALJ Vieth issued a ruling finding TURN eligible to seek an award of intervenor compensation. In R.11-02-018, the Commission provided that parties such as TURN that had filed a notice of intent in the petition docket need not file a new NOI, but could instead carry forward to this rulemaking any hours and costs incurred during the petition docket, and seek recovery in a single request for compensation. (R.11-02-018, at 23-24.)
		X	The Commission agrees with TURN's statement, above.

PART II: SUBSTANTIAL CONTRIBUTION

A. In the fields below, describe in a concise manner Claimant's contribution to the final decision (*see* § 1802(i), § 1803(a) & D.98-04-059).

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
Overview of substantial contribution: This proceeding highlights a pattern that is present in a number of Commission proceedings, although it is typically not identified quite so explicitly as it was here. As is often the case, this rulemaking entailed a substantial effort of all active		Agreed. As stated in past Commission decisions, substantial contribution can occur even when the Commission does not adopt all of the

<p>parties devoted to creating the context within which the Commission could issue a decision.</p> <p>For example, the R.11-02-018 described the process as one that would entail a process of defining problems with the <i>status quo</i> that could then be the subject of working toward solutions. (At 15.) To that end, the Commission embraced a process that began with a common “fact-finding” effort that would then inform the parties’ proposals. (At 17-18.) The initial Scoping Memo recognized that “a number of facts need to be ascertained before meaningful proposals can be developed” and established working groups to pursue those facts. Similarly, as parties’ efforts fleshed out the underlying issues, the assigned Commissioner and ALJ issued amended scoping memos that identified such additional issues and directed parties to address them in their work. Later the assigned Commissioner and ALJ set aside submission of the matter in order to permit parties an opportunity to explore further issues involving project prioritization and alternative financing approaches.</p> <p>In such circumstances, the Commission should recognize that a party’s substantial contribution may appear not only in the form of a final decision adopting one of the intervenor’s recommendations, but also in the form of the intervenor’s efforts to respond to rulings that seek parties’ assistance in developing the record necessary to support the decision-making process. Here the Commission undertook the rulemaking with the express recognition that it needed further factual support for many of the issues under consideration, then added issues that also required such support. TURN submits that an intervenor’s substantial contribution may appear both in the record development and substantive outcome of the proceeding.</p>	<p>R.11-02-018, at 15, 17-18.</p> <p>Scoping Memo #1 (5/11/11), at 3.</p> <p>Scoping Memo #2 (First Amended Scoping Memo) (5/17/12), at 7.</p> <p>Scoping Memo #3 (Second Amended Scoping Memo) (7/13/13), at 3-4.</p> <p>Joint Ruling Setting Aside Submission (2/7/13), at 3-4 (workshop on prioritization) and 4-5 (public meeting on financing options).</p>	<p>recommendations of an intervenor. (<i>See e.g.</i>, D.03-06-001.) What is important is “assist[ing] in the Commission’s analysis or understanding of the issues.” <i>Id.</i> (<i>internal quotations omitted</i>). Here, TURN provided the Commission with such assistance.</p>
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<p>1.P.10-08-016 and R.11-02-018: TURN's response to the WMA petition seeking a rulemaking on steps to encourage the transfer of MHPs to utility ownership agreed that a rulemaking was appropriate, but disagreed with a number of the factual and legal assertions set forth in the WMA petition. In order to clarify the record and illustrate the range of views on those issues, TURN submitted a 25-plus page response that laid out its position in some detail. TURN also called for the Commission to extend the scope of the new rulemaking beyond that described in WMA's petition to include policies and procedures that would target MHPs where the condition of the master-metered utility systems pose health or safety risks or other limitations in utility service.</p> <p>In R.11-02-018, the Commission agreed with TURN's characterization of the master-meter discount as intended to cover not only costs incurred to date but ongoing replacement as well, and that the discount is the sole source of MHP recovery of such costs. (At 4.) The Commission also expressed support for the view that safety must be the first consideration of steps regarding MHP submetered service, with service reliability not far behind. (At 15-16.) The Commission sought to prioritize the transfers, but recognized the need for further factual support for any such effort. (At 16-17.) The Commission also spoke to concerns about fairness to the other ratepayers who would bear additional costs as a result of the transfer. (At 17.)</p> <p>In addition, TURN's participation in the development of the joint list of issues that was the focus of the November 2010 workshop, as well as the workshop itself, constitutes a substantial contribution under the circumstances given the role the joint list and subsequent workshop played in the lead-up to issuance of R.11-02-018.</p>	<p>TURN Response 9/20/10, at 7-17 (challenging WMA's factual and legal assertion as presented in petition); 17- 18 (expand scope to include prioritization on safety and reliability grounds); 18-21 (alternatives to encourage transfer of priority MHPs in a manner sufficiently fair to ratepayers).</p>	<p>Agreed.</p>
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<p>2. D.14-03-021 in R.11-02-018: The rulemaking culminated in D.14-03-021, creating a “living pilot” for encouraging transfer of MHP utility systems to the major energy utilities.</p> <p>TURN co-sponsored the proposal of the “Joint Parties” that, among other things, offered ratepayer support for converting submeter systems to direct utility service up to but not beyond the end-use customer’s meter. Originally proposed as a five-year pilot with a fixed credit to cover some or all of the necessary investment, the Joint Parties’ proposal was modified at the urging of the Assigned Commissioner to be a three-year pilot that would cover the entire cost of the investment. The Joint Parties further proposed a prioritization to emphasize targeting MHPs with higher safety and reliability concerns. The Joint Parties also sought to target a conversion of 10% of MHPs during the 5-year pilot. The Joint Parties also included a proposed List of Metrics that would achieve data collection going forward to better inform the Commission’s decision-making process on these matters.</p> <p>In D.14-03-021, the Commission created a hybrid of the Joint Parties’ proposal and that of the parties supporting the “PG&E Proposal.” Dubbed the “Living Pilot,” the adopted approach combined elements of each of the two proposals. For example, it adopted the “beyond the meter” approach favored by the Pacific Gas and Electric Company (PG&E) Proposal, but with the treatment of the “beyond the meter” investment as a regulatory asset with a more limited ratemaking life. It also embraced the 10% conversion target for the life of the pilot, rather than the 10% per year target under the PG&E proposal, in order to mitigate the risk to ratepayers. While the Proposed Decision would have adopted a reduced rate of return for the</p>	<p>Joint Testimony of SCE, SDG&E, SoCalGas, Bear Valley, PacifiCorp, CalPeco, TURN, and DRA, 10/5/12, (<i>see especially</i> at 1-2 (Overview), 3-4 (Prioritization), and Appendix A (List of Metrics)).</p> <p>Additional Joint Testimony of the Joint Parties, 8/19/13, (<i>see especially</i> at 1-5 (Overview), 5-7 (Safety and Prioritization)).</p> <p>D.14-03-021, at 41 (“We endorse neither the Joint Parties proposal nor the PG&E proposal as set forth by the sponsoring parties, but we draw elements from both of them to</p>	<p>Agreed, although not all contributions made by TURN were equally helpful in assisting the Commission.</p>
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<p>“beyond the meter” investment, the final decision found compelling the utilities’ arguments in support of a full rate of return, even as it agreed with TURN that the examples the utilities cited in favor of their position were not the same as the issues presented here.</p>	<p>fashion a ‘living pilot’ that will receive applications beginning on January 1, 2015.”). See also at 50 (regulatory asset); 42 (10% target); 43 (prioritization); and 54-55 (return on “beyond the meter”).</p>	
<p>3. Fact Finding and Development of Proposals: In the Order Instituting Rulemaking, the Commission stated its general agreement with the initial plan the parties had offered for moving forward, with separate components for fact finding, development of party proposals and, ultimately, resolution of any remaining issues. TURN’s efforts as an active and effective participant in this process represents part of the group’s substantial contribution to D.14-03-021. These efforts do not lend themselves to an issue-specific discussion, but rather a tracking of the process undertaking as the rulemaking ran its course.</p>	<p>OIR 11-02-018, at 17-18.</p>	<p>Agreed.</p>
<p>3a. OIR Issuance Through Second PHC and Workshop on Standards on 6/14/11: In D.14-03-021, the Commission discussed this period as the early stages of the quasi-legislative phase of the proceeding. After receiving comments from the parties on the Order Instituting Rulemaking, the Commission conducted a PHC on 4/15/11 and issued a Scoping Memo on 5/11/11. The Scoping Memo established working groups on three separate topics (development of a database for all submetered MHPs, a questionnaire for MHP owners, and an agenda for a standards and safety practices workshop).</p>	<p>D.14-03-021, at 6-8.</p> <p>Scoping Memo of 5/11/11, at 2-4.</p>	<p>Agreed.</p>

The workshop on standards was conducted on the afternoon of the second PHC in the proceeding.		
<p>3b. Post Standards Workshop through Presentation of Initial Proposals on 10/21/11: At the third PHC conducted on 8/19/11, the parties reviewed the products of some of their efforts to date (particularly the questionnaire results received from MHP owners, and agreed to move forward to development and presentation of specific initial proposals. The Assigned Commissioner urged continuing collaboration among the parties in this effort. TURN joined with Golden State Manufactured-Home Owners League (GSMOL) to present one of the four proposals offered at this juncture.</p>	<p>D.14-03-021, at 8-9. TURN/GSMOL Proposal, 10/21/11.</p>	<p>Agreed.</p>
<p>3c. Post Initial Proposals through PHC #5 on 4/8/12: After submission of the various proposals, the parties undertook preliminary settlement discussions in their ongoing effort to narrow the range of disputed issues. To further these efforts, the parties were also working toward development of common sample costs for conversion in order to better understand the competing positions being put forward. After discussion of this effort at the fourth PHC on 1/17/12, the parties requested and were given more time to pursue negotiations. At the fifth PHC on 4/8/12, the parties explained to the Assigned Commissioner and ALJ that their positions had coalesced around two proposals, and discussed the emerging cost estimates. The assigned Commissioner and ALJ subsequently issued an Amended Scoping Memo on 5/17/12 that specified the expected materials regarding cost estimates for conversions based on at least one common case study, and setting a schedule for testimony on the two conversion proposals. The Amended Scoping Memo identified seven additional issues to be</p>	<p>D.14-03-021, at 9-10; Amended Scoping Memo, at 3-8.</p>	<p>Agreed.</p>

addressed in the prepared testimony, on top of the three broad issues of “undisputed merit” and six additional issues identified in the initial OIR.		
<p>3d. Post PHC #5 through service of Testimony and Costing Study on 11/20/12: TURN worked with the other parties on two parallel tracks to develop testimony jointly sponsored with the other Joint Parties and to prepare a costing study that would be supported (or at least not opposed) by all parties. Through a joint stipulation, the parties sought to move the cost report, the prepared testimony and other documents (including exhibits consisting of responses to TURN data requests) into the record and avoiding the need for evidentiary hearings.</p>	<p>Exhibit 1 (Joint Cost Report)</p> <p>Exhibit 2 (Joint Parties’ Prepared Testimony)</p> <p>Exhibits 9 and 10 (Responses to TURN Data Requests)</p> <p>Joint Stipulation of 11/20/12</p>	Agreed.
<p>3e. Post Initial Testimony Submission through 7/17/13 Second Amended Scoping Memo: The parties briefed the issues based on the then-existing evidentiary record in late 2012 and early 2013. In a joint ruling issued 2/7/13, the Assigned Commissioner and ALJ set a consecutive morning workshop followed by afternoon public meeting with the Commissioner regarding these matters. The workshop focused on issues regarding prioritization of park conversions. The public meeting sought to explore alternative funding mechanisms other than traditional ratemaking practices for regulated utilities or assigning costs to the MPH owners. After these events, the Assigned Commissioner and ALJ issued a Second Amended Scoping Memo that initiated a “Ratesetting Phase” of the proceeding.</p>	<p>D.14-03-021, at 10</p> <p>Joint Opening Brief, 12/14/12.</p> <p>Joint Reply Brief, 1/18/13.</p>	Agreed.
<p>3f. 7/17/13 Second Amended Scoping Memo through Issuance of D.14-03-021: The second amended scoping memo took the unusual step of indicating to the parties the deficiencies of both of the competing proposals, and directing the parties to</p>	<p>D.14-03-021, pp. 10-12; at 15 (fn. 11 – granting motion to strike).</p>	Agreed. Please note that Joint Parties filed the motion to strike on October 16, 2013, as indicated in the claimed contribution column.

present additional prepared testimony addressing those deficiencies. The additional prepared direct testimony was served on 8/19/13, with rebuttal following on 8/30/13. Evidentiary hearings were conducted on 9/9 and 9/10/13, followed by opening briefs on 10/8/13 and reply briefs on 10/18/13. TURN and the other Joint Parties also submitted a Motion to Strike portions of WMA's opening brief on 10/16/13. In D.14-03-021, the Commission granted that motion.	<p>Additional Joint Testimony of Joint Parties, 8/19/13.</p> <p>Joint Parties Opening Brief, 10/8/13.</p> <p>Joint Parties Motion to Strike, 10/6/13.</p> <p>Joint Parties Reply Brief, 10/18/13.</p>	
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B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Intervenor's Assertion	CPUC Verified
a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?¹	Yes	Yes.
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Agreed.
c. If so, provide name of other parties: At various times during the course of this proceeding, TURN's positions were similar in at least some regards to the positions of nearly every other party. At the outset, TURN supported elements of WMA's petition for rulemaking, but disagreed with many of the group's key assertions therein. In the rulemaking, TURN submitted a joint proposal with Golden State Manufactured-Home Owners League (GSMOL), but ultimately supported the Joint Parties' proposal while GSMOL supported the PG&E proposal. The Joint Parties included SCE, the Sempra Utilities, and ORA.		Correct.
d. Describe how you coordinated with ORA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party: TURN submits that it would have been virtually impossible to avoid duplication in this proceeding. The very first workshop and		Correct.

¹ The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill (SB) 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

<p>informal discussions conducted in response to the WMA petition required collaborative efforts among the parties, and that approach continued throughout the proceeding, with the rulemaking order and many of the subsequent scoping memos formalizing the encouragement of jointly-sponsored positions and documents. Consistent with that encouraged approach, TURN devoted substantial efforts to coordinating with other parties. In most instances that coordination took the form of negotiating joint recommendations and developing the supporting documentation to present those positions. In others the coordination occurred with all parties as collaborators to develop the core information the assigned Commissioner and ALJ had identified as necessary in order to enable the Commission to take action. TURN played a leading and critical role throughout that process, as the most consistently active representative of the interests of the general body of utility ratepayers. Under the circumstances, the Commission should find that TURN reasonably ensured that its work in the proceeding sufficiently supplemented, complemented or contributed to the work of the other parties that no reduction for duplication is warranted.</p>	
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PART III: REASONABLENESS OF REQUESTED COMPENSATION (

A. General Claim of Reasonableness (§§ 1801 & 1806):

<p>a. Concise explanation as to how the cost of Claimant's participation bears a reasonable relationship with benefits realized through participation (include references to record, where appropriate)</p> <p>TURN's request for intervenor compensation seeks an award of approximately \$145,000 as the reasonable cost of its participation in the proceeding. As a quasi-legislative proceeding, the Commission should find these costs reasonable given the statutory charge to encourage conversion of MHPs from master-metered to utility service, and the exceedingly slow pace achieved to date. The need for a change required a careful balancing of policy interests that included the costs and other burdens that could fall on the general body of ratepayers who do not live in such MHPs subject to master-metered service. The Commission fielded proposals that ranged upward of hundreds of millions of dollars of utility investment and the associated impact on utility rates. The adopted outcome is a very scaled-back approach that establishes a pilot of limited duration and scope, thus ensuring the impact on rates and other ratepayers will be similarly limited.</p> <p>TURN's participation in this proceeding sought to advance the</p>	<p>CPUC Discussion</p> <hr/> <p>Verified, <i>but see</i> "CPUC Disallowances and Adjustments" in Part III.C.</p>
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<p>consumer interest by ensuring that reasonable efforts made to improve service to master-metered customers in MHPs were balanced by assurances that any funds spent on such service improvement efforts are reasonable and appropriately targeted to higher priority projects. Given the amounts that were potentially at stake for the MHP conversion effort and the relatively small amount of TURN's request for intervenor compensation, the Commission should conclude that TURN's overall request is reasonable.</p>	
<p>b. Reasonableness of Hours Claimed.</p> <p>This Request for Compensation covers work performed over a period of approximately three-and-a-half years, from the initiation of P.10-08-016 through issuance of D.14-03-021.</p> <p><u>TURN Representatives</u></p> <p>TURN attorney Hayley Goodson initially represented the organization, from the initial review of the WMA petition through issuance of the decision initiating R.11-02-018. TURN recorded approximately 35 hours of substantive work for Ms. Goodson during this period, a figure the Commission should find reasonable. Indeed, given the detailed and comprehensive nature of the TURN response to the WMA petition, as well as TURN's participation in the workshop process and other collaborative efforts leading up to the rulemaking, this figure represents very efficient work on Ms. Goodson's part.</p> <p>Nina Suetake assumed the role of TURN's attorney in early 2011, when Ms. Goodson was on parental leave. After a very brief transition, Ms. Suetake was TURN's lead attorney and recorded approximately 225 hours over the next three years for work in this proceeding. TURN submits that this figure is reasonable on its face, as it represents an average of approximately 6 hours per month over that period. Furthermore, the detailed time records attached to this request reveal a level of efficiency the Commission should find more than adequate under the circumstances. Robert Finkelstein, TURN's General Counsel, also recorded a very small number of hours in 2012 and 2013 for consulting with Ms. Suetake regarding this matter.</p> <p>Jeff Nahigian of JBS Energy was TURN's principal consultant on this matter. Mr. Nahigian's extensive experience with master-meter-related issues before the Commission made him the obvious choice for this role. He provided limited consultation to Ms. Goodson as she addressed the WMA petition in P.10-08-016, then took a more active role throughout the rulemaking itself. JBS Energy invoiced TURN for</p>	<p>Verified, <i>but see</i> "CPUC Disallowances and Adjustments" in Part III.C.</p>

approximately 300 hours of Mr. Nahigian's work, again a very reasonable number given the three-year course of the rulemaking (approximately 8 hours per month), and a number amply supported by Mr. Nahigian's detailed time records. JBS Energy also recorded a very few hours for the work of Mr. Marcus, the firm's principal economist, for consultation regarding this rulemaking.

No Reduction For Internal or External Duplication from Collaboration

In recent compensation-related decisions the Commission has awarded reduced amounts due to a perceived internal duplication, as more than one representative for an intervenor participated in specific events related to the proceeding. The attached time records reflect a number of such events for which TURN was represented by both Ms. Suetake and Mr. Nahigian. The Commission should not reduce the award of compensation even in light of such overlap under the circumstances. As the OIR, the various rulings that followed, the discussions at workshops and other forums, and finally D.14-03-021 itself make clear, the rulemaking addressed a number of thorny factual, legal, and policy issues. Ms. Suetake and Mr. Nahigian bring very different and complementary skill sets to discussions about these issues. Therefore it makes sense that TURN would have them both present and involved in discussions and meetings regarding those issues. In nearly all of those discussions for which TURN was represented by both Ms. Suetake and Mr. Nahigian, the utilities and other parties were represented by at least two representatives, an indication of the reasonableness of TURN's approach.

Similarly, recent compensation-related decisions have seen reduced awards in some instances due to a perceived duplication of efforts among parties. Such a reduction would be inappropriate here. As described earlier, TURN took reasonable steps to minimize such duplication and to ensure that where it occurred it served to achieve participation that was supplementary or complementary among those parties. Given the ongoing emphasis and encouragement of collaboration among the parties by the Assigned Commissioner's office, the Commission should reasonably expect that there will be a greater amount of overlap than would likely be present in most other proceedings. The initial Order Instituting Rulemaking began by expressing the Commission's desire to see a "collaborative approach" and "encourag[ing] collaboration among parties wherever possible and at each process stage." (R.11-02-018, at 1 and 18.) This tenor continued in the informal guidance and formal rulings from the Commission throughout the proceeding. (See, for example, the First Amended Scoping Memo of 5/17/12, urging parties to pursue

<p>negotiations in order to present joint prepared testimony where their interests align, and the Second Amended Scoping Memo of 7/17/13, urging parties to continue to work together to explore the potential for partial consensus.) Given the consistently expressed desire for parties to devote the time and resources necessary to explore and, where possible, achieve consensus, and given the level of success that those efforts achieved in this proceeding, with two broadly supported proposals with clearly delineated differences made possible from the collaborative effort, it would be unfair and counter-productive for the Commission to reduce the award of intervenor compensation based on any sense that the hours claimed by TURN (or any other intervenor, for that matter) are unreasonable due to the time devoted to that collaborative effort.</p> <p><u>Compensation Request Preparation Time</u></p> <p>TURN is requesting compensation for 17.0 hours devoted to compensation-related matters, primarily preparation of this request for compensation (15 hours). This is a reasonable figure in light of the duration of the proceeding, including the underlying petition for rulemaking, and the size and complexity of the request for compensation itself.</p> <p>Mr. Finkelstein prepared this request for compensation because Ms. Suetake recently left TURN and was unavailable for that task. Mr. Finkelstein's extensive experience with compensation-related matters and general familiarity with many of the regulatory and ratemaking issues implicated in this rulemaking meant he was best able of TURN's staff to prepare this request in the fewest hours. While other TURN attorneys have a lower hourly rate, TURN is confident that assignment to one of those attorneys would have increased the number of hours required for the work, such that there would have been a net increase in the associated cost. The requested number of hours represent a significant reduction from the actual hours devoted to the task.</p> <p>In sum, the Commission should find that the number of hours claimed is fully reasonable in light of the nature of this proceeding, TURN's key role throughout the ongoing collaborative work to develop the necessary context for the Commission's decision, and TURN's relative success on the merits.</p>	
<p>c. Allocation of Hours by Issue</p> <p>TURN typically offers the Commission the results of an effort to allocate our advocates' time and entries based on the identified issues in the proceeding. TURN submits that such an allocation is</p>	<p>Verified.</p>

exceedingly difficult under the circumstances present here. For one thing, the rulemaking proceeded in a manner better defined by the period of time in which work occurred rather than the underlying issues. From the start, the Commission identified a range of issues that it wanted to see addressed, and in more cases than not the subsequent work addressed those issues as a whole or at least as a substantial fraction of the whole. As a result, the work in this proceeding lends itself far less to the type of allocation TURN typically presents in a request for compensation. In addition, the nature of the work in the proceeding, particularly through the presentation of proposals in late 2012, was more about establishing a common understanding and groundwork upon which the Commission could construct its subsequent decision. While some element of that work involved TURN and other parties advocating their position, the greater share was devoted to collaborating with the other parties to develop objective and (hopefully) non-controversial positions that would then become the underpinnings of the competing proposals. Again, TURN is finding that such work is difficult to allocate on an issue-specific basis.

Therefore TURN is presenting for the Commission's consideration a different approach. In some instances we have identified specific daily work entries that are allocable to specific categories and made such an allocation. This was easiest at the outset of the proceeding (TURN's work on the WMA petition and the lead up to issuance of R.11-02-018) and at its end (TURN's work once the Proposed Decision issued in early 2014), and for specific tasks such as compensation-related work. For the vast majority of the work entries reflected in the attached time sheets, however, TURN has used a "code" that is based on the period within which the work took place. The codes reflect the break-out TURN presented in the substantial contribution section above. Below TURN provides our best estimate of a reasonable allocation by issue for the work that appears within those codes.

Period 1 (2/25/11 OIR Issuance through 6/14/11)

- Prioritization of transfers – 30%
- Data development – 30%
- Cost Allocation – 20%
- General Participation – 20%

Period 2 (6/15/11 through 10/21/11)

- Prioritization of transfers – 20%
- Data development – 20%
- Cost allocation – 30%
- General Participation – 20%

Period 3 (10/22/11 through 4/8/12)

<ul style="list-style-type: none"> ■ Data development – 25% ■ Cost allocation – 15% ■ Settlement – 40% ■ General Participation – 20% <p>Period 4 (4/9/12 through 11/20/12)</p> <ul style="list-style-type: none"> ■ Prioritization of transfers – 10% ■ Data development – 30% ■ Cost allocation – 15% ■ Settlement – 35% ■ General Participation – 10% <p>Period 5 (11/21/12 through 7/17/13)</p> <ul style="list-style-type: none"> ■ Prioritization of transfers – 20% ■ Data development – 10% ■ Cost allocation – 25% ■ Settlement – 30% ■ General Participation – 15% <p>Period 6 (7/18/13 through issuance of D.14-03-021)</p> <ul style="list-style-type: none"> ■ Prioritization of transfers – 10% ■ Data development – 30% ■ Cost allocation – 15% ■ Settlement – 35% ■ General Participation – 10% <p>For the non-issue specific allocation, TURN uses “general participation” to refer to work that would not vary with the number of issues that TURN addresses, such as the initial review of the rulemaking or other parties’ testimony and proposals, participation in a prehearing conference, and similar tasks. TURN also used “PD” as an allocation code for work associated with review of the Proposed Decision and preparation of comments and reply comments thereon.</p>	
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B. Specific Claim:

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hour s	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Hayley Goodson	2010	30.25	\$295	D.10-12-015	\$8,923.75	30.25	\$295.00	\$8,923.75
H.	2011	5.25	\$300	D.13-08-022	\$1,575	4.667	\$310.00	\$1,446.77

Goodson						[1]	[2]	
Nina Suetake	2011	59.0	\$295	D.12-05-033	\$17,405	59.0	\$295.00	\$17,405.00
N. Suetake	2012	73.25	\$315	D.13-08-022	\$23,073.75	73.25	\$315.00	\$23,073.75
N. Suetake	2013	81.25	\$320	Request pending in A.07-06-031	\$26,000	81.25	320.00	\$26,000.00
N. Suetake	2014	13.0	\$320	2013 Rate	\$4,160	13	\$320.00 [3]	\$4,160.00
Robert Finkelstein	2012	0.25	\$480	D.13-08-022	\$120	.25	\$480.00	\$120.00
R. Finkelstein	2013	0.25	\$490	D.14-05-015	\$122.50	.25	\$490.00	\$122.50
Jeff Nahigian	2010	5.25	\$190	D.10-07-040	\$997.50	5.25	\$190.00	\$997.50
J. Nahigian	2011	75.5	\$195	D.13-08-022	\$14,722.50	75.5	\$195.00	\$14,722.50
J. Nahigian	2012	145.25	\$200	D.13-08-022	\$29,050	145.25	\$200.00	\$29,050.00
J. Nahigian	2013	54.5	\$205	D.14-05-015	\$11,172.50	54.50	\$205.00	\$11,172.50
J. Nahigian	2014	4.5	\$205	2013 Rate	\$922.50	4.50	\$205.00 [4]	\$922.50
William Marcus	2011	2.4	\$250	D.13-05-008	\$600	2.41	\$250.00	\$602.50
W. Marcus	2012	1.1	\$260	D.13-08-022	\$286	1.09 [5]	\$260.00	\$283.40
W. Marcus	2013	.33	\$265	D.14-05-015	\$87.45	.33	\$265.00	\$87.45
Subtotal: \$139,218.45						Subtotal: \$ \$139,090.12		

INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
H. Goodson	2010	2.0	\$147.5	½ of approved 2010 rate	\$295	2	\$147.50	\$295.00
R. Finkelstein	2014	15.0	\$245	½ of approved 2013 rate	\$3,675	15	245.00	\$3,675.00
Subtotal: \$ 3,970						Subtotal: \$3,970.00		
COSTS								
#	Item	Detail		Amount	Amount			
	Photocopying	Copies for materials in this rulemaking		\$31.40	\$31.40			
	Phone	Phone expenses for calls in this rulemaking		\$30.62	\$30.62			
	Postage	Postage incurred for pleadings filed in this rulemaking		\$22.91	\$22.91			
		SUBTOTAL		\$84.93	SUBTOTAL: \$84.93			
TOTAL REQUEST: \$ 143,273.38					TOTAL AWARD: \$143,145.05			
<p>*We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor’s records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer’s normal hourly rate</p>								

Attorney	Date Admitted to CA BAR ²	Member Number	Actions Affecting Eligibility (Yes/No?) If “Yes,” attach explanation
Hayley Goodson	December 05, 2003	228535	No
Nina Suetake	December 14, 2004	234769	No
Robert Finkelstein	June 13, 1990	146391	No

C. Disallowances and Adjustments:

Item	Reason
[1]	On February 4, 2011 Goodson’s timesheet lists work for “finalizing for filing.” Time for clerical work is factored into the rates for attorneys and the Commission will not compensate for such time. As such, 0.583 hours (1/3 of the time listed) is deducted.
[2]	The Commission approved a rate of \$310 for Goodson in D.13-07-016.
[3]	The Commission approved a 2013 rate of \$320 for Suetake in D.14-02-014. The Commission approves a \$320 rate for Suetake’s 2014 work.
[4]	The Commission approves a rate of \$205 for Nahigian’s work performed in 2014.
[5]	For Marcus’ hours, the Commission adjusted TURN’s hours, which were rounded.

PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the Claim?	No
B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(2)(6))?	Yes

² This information may be obtained at: <http://www.calbar.ca.gov/>.

FINDINGS OF FACT

1. The Utility Reform Network has made a substantial contribution to Decision 14-03-021.
2. The requested hourly rates for The Utility Reform Network's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$143,145.05.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above satisfies all requirements of Pub. Util. Code §§ 1801-1812.

ORDER

1. The Utility Reform Network is awarded \$143,145.05.
2. Within 30 days of the effective date of this decision Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas and Electric Company, and Southern California Gas Company shall pay San Luis Rey Home, Inc. their respective shares of the award, based on their California-jurisdictional gas and electric revenues for the 2013 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning July 27th, 2014, the 75th day after the filing of Claimant's request, and continuing until full payment is made.

3. The comment period for today's decision is waived.
4. Rulemaking 11-02-018 remains open.

This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX
Compensation Decision Summary Information

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D1403021		
Proceeding(s):	R1102018		
Author:	ALJ Vieth		
Payer(s):	Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas and Electric Company, and Southern California Gas Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
The Utility Reform Network	05/13/2014	\$143,273.38	\$143,145.05	No	See Part III.C of this decision.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Hayley	Goodson	Attorney	The Utility Reform Network	\$295.00	2010	\$295.00
Hayley	Goodson	Attorney	The Utility Reform Network	\$300.00	2011	\$310.00
Nina	Suetake	Attorney	The Utility Reform Network	\$295.00	2011	\$295.00
Nina	Suetake	Attorney	The Utility Reform Network	\$315.00	2012	\$315.00
Nina	Suetake	Attorney	The Utility Reform Network	\$320.00	2013	\$320.00
Nina	Suetake	Attorney	The Utility Reform Network	\$320.00	2014	\$320.00

Robert	Finkelstein	Attorney	The Utility Reform Network	\$480.00	2012	\$480.00
Robert	Finkelstein	Attorney	The Utility Reform Network	\$490.00	2013	\$490.00
Jeff	Nahigian	Consultant	The Utility Reform Network	\$190.00	2010	\$190.00
Jeff	Nahigian	Consultant	The Utility Reform Network	\$195.00	2011	\$195.00
Jeff	Nahigian	Consultant	The Utility Reform Network	\$200.00	2012	\$200.00
Jeff	Nahigian	Consultant	The Utility Reform Network	\$205.00	2013	\$205.00
Jeff	Nahigian	Consultant	The Utility Reform Network	\$205.00	2014	\$205.00
William	Marcus	Consultant	The Utility Reform Network	\$250.00	2011	\$250.00
William	Marcus	Consultant	The Utility Reform Network	\$260.00	2012	\$260.00
William	Marcus	Consultant	The Utility Reform Network	\$265.00	2013	\$265.00

(END OF APPENDIX)